

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

ARTHUR STEWART NICKENS

PLAINTIFF

VS.

CIVIL ACTION NO.: 3:13-cv-199-MPM-JMV

MILTON WILLIAMS, JR., ET AL.

DEFENDANTS

WITHDRAWAL OF REPORT AND RECOMMENDATION OF DISMISSAL

This matter is before the court, *sua sponte*, regarding the Report and Recommendation [39] previously entered by the undersigned Magistrate Judge on Defendant Officer Milton Williams, Jr.'s Motion to Dismiss for Failure to State a Claim [37]. Because the Report and Recommendation was docketed prior to Plaintiff's timely response, the court finds it appropriate to **WITHDRAW** the entered Report and Recommendation.

SO ORDERED, this the 4th day of February, 2015.

/s/ Jane M. Virden

UNITED STATES MAGISTRATE JUDGE